

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DERICK OWUSU,

Plaintiff,

v.

BANK OF AMERICA, N.A., et al.,

Defendants.

NO. C15-1812-JLR-JPD

REPORT AND
RECOMMENDATION

This is a civil rights action proceeding under 42 U.S.C. § 1983. Plaintiff originally filed this action in King County Superior Court against Bank of America, N.A., the Bellevue Police Department, and the King County Prosecuting Attorney's Office. Defendants removed the case to this Court in November 2015. Plaintiff alleges violations of his federal constitutional rights arising out of his arrest in 2013 for allegedly depositing two forged checks at a Bank of America branch in Bellevue, Washington. Specifically, plaintiff asserts claims of false arrest, false imprisonment, malicious prosecution, conspiracy to violate his civil rights, and racial discrimination under state law. Defendant Bank of America was recently dismissed from this action.


In March 2016, the Court ordered plaintiff to show cause why this action should not be dismissed as duplicative of a substantially similar action proceeding under cause number C15-

1 1606-JLR-JPD. Dkt. 16. In response, plaintiff agreed this action was duplicative and asked the
2 Court to dismiss the instant action. Dkt. 23. Accordingly, the Court recommends that this action
3 be DISMISSED without prejudice. A proposed order accompanies this Report and
4 Recommendation.

5 Objections to this Report and Recommendation, if any, should be filed with the Clerk
6 and served upon all parties to this suit by no later than **June 1, 2016**. Failure to file objections
7 within the specified time may affect your right to appeal. Objections should be noted for
8 consideration on the District Judge's motion calendar for the third Friday after they are filed.
9 Responses to objections may be filed within **fourteen (14)** days after service of objections. If
10 no timely objections are filed, the matter will be ready for consideration by the District Judge
11 on **June 3, 2016**.

12 This Report and Recommendation is not an appealable order. Thus, a notice of appeal
13 seeking review in the Court of Appeals for the Ninth Circuit should not be filed until the
14 assigned District Judge acts on this Report and Recommendation.

15 DATED this 11th day of May, 2016.

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18 JAMES P. DONOHUE
Chief United States Magistrate Judge